



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

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(603) 271-2900 FAX (603) 271-2456



October 17, 2002

**CERTIFIED MAIL
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RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY
No. WMD 02-42**

Cliff's Auto Body
75 Webster Street
Jaffrey, New Hampshire 03452

Mr. Steven Gauthier, Owner and Operator

**Cliff's Auto Body
Jaffrey, New Hampshire
EPA ID # NHD510106974**

Dear Mr. Gauthier:

On August 22, 2002, the Department of Environmental Services (DES) conducted an inspection of Cliff's Auto Body (Cliff's). The purpose of the inspection was to determine Cliff's compliance status with RSA 147-A and its implementing regulations, the New Hampshire Hazardous Waste Rules (codified as Env-Wm 100-1100).

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

1 Env-Wm 502.01 – Hazardous Waste Determination

At the time of the inspection, no formal hazardous waste determination had been performed on the waste lamps at Cliff's. DES inspectors also confirmed that Cliff's disposes of waste lamps in the on-site dumpster.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requests that Cliff's test a representative sample of the waste lamps for the characteristic of toxicity as defined in Env-Wm 403.06. This analysis should include, at a minimum, RCRA metals, using the Toxicity Characteristic Leaching Procedure (TCLP) Method 1311 found in Test Methods for Evaluating Solid Wastes, SW-846. Please be advised that waste determinations may also be accomplished by Cliff's using knowledge of the hazardous constituents or characteristics of the waste, based on the materials or processes used to generate the waste.

Alternatively, Cliff's may elect to manage waste lamps as "universal waste" in accordance with Env-Wm 1100. Enclosed please find the DES Environmental Fact Sheet #WMD-HW-7 "Universal Waste Lamps: Management Requirements for Handlers and Transporters, and a DES "Fluorescent Lamp and Ballast Recycling Facility" list.

2. Env-Wm 507.01(a)(3) – Waste Storage Requirements

At the time of the inspection, one (1) 5-gallon container of hazardous waste "paint and thinner" located in the paint mixing room, was not closed.

Env-Wm 507.01(a)(3) requires generators to ensure that containers storing hazardous waste be closed at all times, except when waste is being added to or removed from the containers.

DES requests that Cliff's ensure that containers storing hazardous waste are closed at all times, except when adding to or removing waste from the containers. Safety funnels which thread into the bung and have closeable lids that seal are acceptable for this purpose.

3. Env-Wm 507.03(a)(1)a. - Container Marking

At the time of the inspection, the one (1) 5-gallon container of hazardous waste "paint and thinner" and one (1) 55-gallon container of hazardous waste "spray booth filters", in the paint mixing room, were not marked with beginning accumulation dates. (See hazardous waste container inventory).

Env-Wm 507.03(a)(1)a. requires that all containers used for the storage of hazardous waste be marked with the beginning accumulation date at the time that they are first used to store hazardous waste.

DES requests that Cliff's properly mark all containers of hazardous waste with the beginning accumulation date at the time they are first used to store waste.

4. Env-Wm 507.03(a)(1) b., c., and d. - Container Marking

At the time of the inspection, the one (1) 5-gallon container of hazardous waste "paint and thinner" and the one (1) 55-gallon container of hazardous waste "spray booth filters", in the paint mixing room, were not marked with the words "hazardous waste", words that identify the contents of the container, and the EPA or state waste number. (See hazardous waste container inventory).

Env-Wm 507.03(a)(1)b., c., and d. require that all containers used for the storage of hazardous waste be marked with the following information at the time they are first used to store wastes: the words "hazardous waste"; words that identify the contents of the container; and the EPA or state waste number.

DES requests that Cliff's properly mark all containers of hazardous waste at the time they are first used to store waste with: the words "hazardous waste"; words that identify the contents of the container; and the EPA or state waste number.

5. Env-Wm 512.01 - Recordkeeping

At the time of the inspection, Cliff's did not have on file one (1) hazardous waste manifest (RIG0169851) dated 10/24/02 which had been submitted to DES.

Env-Wm 512.01(a)(1) requires generators to keep all manifest copies, including the original generator copy and the copy certified by the designated facility or the foreign consignee, for 3 years from the date of signature by the generator.

DES requests that Cliff's properly retain and distribute manifest copies for future shipments of hazardous waste.

Env-Wm 809.02 - Standards for Spent Lead-Acid Batteries Being Reclaimed

At the time of the inspection, Cliff's was storing four (4) automotive lead-acid batteries on the soil adjacent to the facility building.

Env-Wm 809.02 requires that generators and collectors of spent lead-acid batteries, destined for reclamation, store the batteries in a manner designed to ensure that battery housings do not break or leak acid onto the soil or into any ground waters or surface waters.

DES requests that Cliff's store waste automotive batteries in a safe manner during storage and accumulation. This includes, but is not limited to, removing the above-mentioned batteries from the soil, and storing them where their potential for breakage and leakage is minimized.

6. Env-Wm 1114.04 - Labeling/Marking of Antifreeze

At the time of inspection, one (1) 55-gallon container of waste antifreeze stored in the garage, was not marked with the words with the words "Universal Waste – Antifreeze", "Waste Antifreeze", or "Used Antifreeze".

Env-Wm 1114.04 requires universal waste handlers to ensure all container(s) holding waste antifreeze to be clearly labeled or marked with any of the following: "Universal Waste – Antifreeze", "Waste Antifreeze", or "Used Antifreeze".

DES requests that Cliff's clearly label or mark container(s) holding waste antifreeze with any of the following: "Universal Waste – Antifreeze", "Waste Antifreeze", or "Used Antifreeze".

At the time of inspection Cliff's was storing two (2) 5-gallon and two (2) 55-gallon containers of "Do-It-Yourself" (DIY) used oil, generated from your own personal race vehicle. Such household generated DIY oil is exempt from the requirements of Env-Wm 807 (Requirements for Management of Used Oil Being Recycled); however, it is the general responsibility of NH's citizens to handle the material responsibly, by ensuring that storage and handling practices for the used oil do not pose a hazard to human health or the environment. After use, used motor oil may contain a number of contaminants, including metals and organic chemicals. Proper management of used oil is important to help prevent contamination of surface water and groundwater.

DES recommends that after performing an oil change, Cliff's should carefully pour the used oil into a suitable recycling container and label the container with the words "Used Oil". Also, do not mix any other wastes with the used oil, such as paint thinners, gasoline or antifreeze. Mixing these waste streams will affect the recyclability of the oil and may present a safety hazard.

Furthermore, filled used oil containers should be carefully transported to a collection center for proper recycling. The accumulation of large quantities of used oil increases the likelihood of spillage and possible contamination. To obtain the location of the collection center nearest you, contact your municipality or call DES toll free at 1-888-TAKEOIL (825-3645).

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by Cliff's can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Cliff's, including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may re-inspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Kenneth W. Marschner, Administrator
DES/WMD
6 Hazen Drive
Concord, New Hampshire 03301-6509

Enclosed you will find a copy of the completed Hazardous Waste Generator RCRA Inspection Checklist which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.


The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Robert Bishop or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at 271-2942. Thank you for your cooperation.

Sincerely,


Kenneth W. Marschner, Administrator
Waste Management Programs
Waste Management Division

CC: DB/RCRA/LOD/Archives
Philip J. O'Brien, Ph.D., Director, WMD
Gretchen Rule, Administrator, DES Legal Unit

E-mail: JJD/SD/SD/PM

Enclosure: Inspection Checklist
DES Environmental Fact Sheet #WMD-HW-7 "Universal Waste Lamps: Management Requirements..."
DES "Fluorescent Lamp and Ballast Recycling Facility" list